JC04 Rec'd PCT/PTO 23 JUN 2005

PTO-1390 (Rev. 02-2005)

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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

ATTORNEY'S DOCKET NUMBER 600-1-295PCTUS

U.S. APPLICATION NO. (If a CONCERNING A SUBMISSION UNDER 35 U.S.C. 371 INTERNATIONAL APPLICATION NO. INTERNATIONAL FILING DATE PRIORITY DATE CLAIMED PCT/US03/41229 **DECEMBER 23, 2003** TITLE OF INVENTION USES OF SYNERGISTIC BACTERIOPHAGE LYTIC ENZYMES FOR PREVENTION AND TREATMENT OF BACTERIAL INFECTIONS APPLICANT(S) FOR DO/EO/US VINCENT A. FISCHETTI and JUTTA LOEFFLER Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. The US has been elected (Article 31). A copy of the International Application as filed (35 U.S.C. 371(c)(2)) is attached hereto (required only if not communicated by the International Bureau). has been communicated by the International Bureau. is not required, as the application was filed in the United States Receiving Office (RO/US). An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). is attached hereto. has been previously submitted under 35 U.S.C. 154(d)(4). Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) are attached hereto (required only if not communicated by the International Bureau). have been communicated by the International Bureau. have not been made; however, the time limit for making such amendments has NOT expired. have not been made and will not be made.  $\square$ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). Unexecuted An English language translation of the annexes of the International Preliminary Examination Report under PCT 10. 🔲 Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: 11 🖵 An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. A preliminary amendment. An Application Data Sheet under 37 CFR 1.76. A substitute specification. A power of attorney and/or change of address letter. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825. 17 C 18. L A second copy of the published International Application under 35 U.S.C. 154(d)(4). A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 19. 3 Drawing Sheets; Response to Invitation to Pay Additional Fees; Notif. of Submission Prior Docs; Other items or information: Notif of Recording of Change; Notif of Receipt Recording Copy.

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

Page 1 of 2

DATE OF DEPOSIT: JUNE 23, 2005

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U.S. APPLICATION	U.S. APPLICATION NO. (if known, see 37 CFR 12) INTERNATIONAL APPLICATIO 60/436,077 4 0 5 4 0 6 6 PCT/US03/41229			ATTORNEY'S DOCKET NUMBER	
60/436,077 <b>10/54000</b> PCT/US03/41229			600-1-295PCTUS		
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. 🔽 Basic na	ational fee		\$300	\$ 300.00	
22. Examination fee  If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)				\$ 200.00	
					<del>                                     </del>
23. M Search fee Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an					
International Searching Authority				\$ 100.00	
TOTAL OF 21, 22 and 23 =				\$ 600.00	<u> </u>
Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium).					
The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets E		ch additional 50 or fraction up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	24 - 20 =	4	x \$50	\$ 200.00	
Independent claims	5 -3=	2	× \$200	\$ 400.00	1
MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$360			+ \$360	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 1200.00	1
Applicant claims	s small entity status. See 37 CF		† · · · · · · · · · · · · · · · · · · ·		
SUBTOTAL =				\$ 600.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). +				\$	
TOTAL NATIONAL FEE =				\$ 600.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
TOTAL FEES ENCLOSED =				\$ 600.00	-
				Amount to be refunded:	\$
				Amount to be charged:	\$
a. A check in the amount of \$ 600.00 to cover the above fees is enclosed.					
b. Please charge my Deposit Account No. 11-1153 in the amount of \$ to cover the above fees.					
A duplicate copy of this sheet is enclosed.  c.   The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit					
Account No. 11-1153 A duplicate copy of this sheet is enclosed.					
d. Left Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRES	SPONDENCE TO:	ica mall	<b>1</b>		
KLAUBER & JACKSON SIGNATURE				uce man	m_
411 HACKENSACK AVE. VEI				RONICA MALLON	N, Ph.D.
4TH FLOOR					
HACKENSACK, NJ 07601				52,491	
PHONE: 201-487-5800 REGISTRATI				ON NUMBER	

## JC09 Rec'd PCT/PTO 23 JUN 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INTERNATIONAL APPLN. NO.

PCT/US03/41229

INTERNATIONAL FILING DATE:

**23 DECEMBER 2003** 

APPLICANT

THE ROCKEFELLER UNIVERSITY

TITLE OF INVENTION

USE OF SYNERGISTIC BACTERIOPHAGE LYTIC ENZYMES FOR PREVENTION AND TREATMENT OF BACTERIAL INFECTIONS

ATTORNEY'S DOCKET NO.

600-1-295/PCT

**EXPRESS MAIL "MAILING CERTIFICATE NO.":** 

EV 329560438 US

DATE OF MAILING

**AUGUST 13, 2004** 

## RESPONSE TO INVITATION TO PAY ADDITIONAL FEES

Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

ATTENTION:

Irene Marx

Authorized Officer

Dear Ms. Marx:

In response to the Invitation to Pay Additional Fees pursuant to PCT Article 17(3)(a) and Rule 40.1, having a date of mailing of 30 July 2004, and requiring response within 15 days thereof, or by 14 August, 2004 (copy enclosed), Applicants submit herewith a check for \$210.00. The ISA/US notes that the claims contain five groups of claims corresponding to five inventions as follows:

Group I, claims 1-14, drawn to methods of treating bacterial infections with at least two bacteriophage derived lytic enzymes.

Group II, claims 15-17 and 19-23 drawn to compositions comprising at least two bacteriophage derived lytic enzymes.

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Group III, claim 18, drawn to a screening method.

Group IV, claim 24, drawn to a method of decontaminating a surface.

Group V, claims 25-29 drawn to a method of making compositions comprising at least two bacteriophage lytic enzymes.

In the absence of a response, the PCT will only search the claims of Group I, claims 1-14, methods of treating or preventing bacterial infections.

While Applicants are submitting payment for the examination of one additional group, namely Group II, claims 15-17 and 19-23, such payment is made under protest, as it is believed that compositions comprising at least two bacteriophage derived lytic enzymes and a method of treating or preventing bacterial infections with at least two bacteriophage derived lytic enzymes are so linked as to form a single inventive concept under PCT Rule 13.1.

Applicants remit payment so that the claims corresponding to Group I (claims 1-14 drawn to a method of treating or preventing bacterial infections with at least two bacteriophage derived lytic enzymes) and Group II (claims 15-17 and 19-23 drawn to compositions comprising at least two bacteriophage derived lytic enzymes) will now be searched. However Applicants believe that a refund of the additional search fee is in order in view of the single inventive concept between Group I and Group II.

Respectfully submitted,

David Smith

Attorney for Applicants Registration No. 39,839

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